IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 13530 of 2005

Between:

Sri M.R. Venu, S/o. Ramanujulu Naidu,
Nagammangalam Post, Palamaneru, Chittoor District.

..... PETITIONER

AND

The Senior Manager, A.P. State Financial Corporation,
N.T.Road, Balaji Colony, Tirupati, Chittoor District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ of Mandamus declaring the action of the respondent in not refunding the excess amount of Rs. 50,500/- paid to the respondent by the petitioner as illegal, improper, unjust and arbitrary contrary to law and further direct the respondent to refund the amount of Rs. 50,500/- to the petitioner.

Counsel for the Petitioner: MR.K.G.KRISHNA MURTHY

Counsel for the Respondent: MR.Y.N.LOHITA

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner seeking a writ of Mandamus declaring the action of the respondent in not refunding the excess amount of Rs.50,500/- paid to the respondent as illegal, improper, unjust and arbitrary and consequently sought for a direction to the respondent to refund the said amount.

It is stated that the petitioner obtained a loan from the respondent for establishing an industrial unit. With reference to the loan availed by the petitioner, it is stated that the petitioner has repaid the amount and ultimately, according to the petitioner, the amounts were paid under One Time Settlement and in the process, he paid an excess amount of Rs.50,500/-. Therefore, the respondent-Corporation is liable to refund the said amount.

Even if the petitioner has paid any excess amount, this Court cannot adjudicate or sit upon the accounts of the petitioner with the respondent and ascertain what was the amount liable to be paid and

the amount actually paid and then decide whether the amount as alleged was paid in excess or not. This Court while exercising jurisdiction under Article 226 of the Constitution of India cannot sit upon such factual adjudication.

The writ petition is devoid of merit and the same is accordingly dismissed. No costs.

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24.06.2005

VGB

To

1. The Senior Manager, A.P. State Financial Corporation,
   N.T.Road, Balaji Colony, Tirupati, Chittoor District.
2. 2CD copies.